



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

November 5, 1997

Mr. Ryan Tredway  
Staff Attorney  
Legal and Compliance, MC 110-1A  
Texas Department of Insurance  
P.O. Box 149104  
Austin, Texas 78714-9104

OR97-2448

Dear Mr. Tredway:

You ask whether certain information is subject to required public disclosure under the Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 111172.

The Texas Department of Insurance (the "department") received a request for information concerning Amco Insurance Agencies, Inc. You assert that portions of the information are excepted from public disclosure based on section 552.101 of the Government Code in conjunction with the common-law right to privacy.

Section 552.101 excepts from required public disclosure information considered to be confidential by law, including information made confidential by judicial decision. This exception applies to information made confidential by the common-law right to privacy. *Industrial Found. of the S. v. Texas Indus. Accident Bd.*, 540 S.W.2d 668 (Tex. 1976), *cert. denied*, 430 U.S. 931 (1977). Information may be withheld under section 552.101 in conjunction with the common-law right to privacy if the information contains highly intimate or embarrassing facts about a person's private affairs such that its release would be highly objectionable to a reasonable person and if the information is of no legitimate concern to the public. *See id.* This office has stated that financial information involving a personal investment decision ordinarily satisfies the first requirement of the test for common-law privacy. However, there is a legitimate public interest in the facts of a financial transaction between an individual and a governmental body. *See Open Records Decision Nos. 600 (1992), 545 (1990).*

The information at hand reveals private consumers' choices of an automobile insurance company and insurance coverages. The information does not involve a financial transaction between an individual and a governmental body. We therefore believe that the consumers' common-law right to privacy would be implicated by the public release of the information. Thus, the department must not release information that identifies the insured. The remaining information must be released. We have marked the documents accordingly.

We are resolving this matter with this informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and may not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Kay Hastings  
Assistant Attorney General  
Open Records Division

KHH/rho

Ref.: ID# 111172

Enclosures: Marked documents

cc: Ms. Kay Carnley Vickers  
Zimmerman, Axelrad, Meyer, Stern & Wise, P.C.  
3040 Post Oak Boulevard, Suite 1300  
Houston, Texas 77056-6560  
(w/o enclosures)